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This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

Wilbert F. Jordan, Jr.
Assistant Secretary

0505#021

NOTICE OF INTENT

Department of Environmental Quality Office of Environmental Assessment

Facility Name and Ownership/Operator Changes Process
(LAC 33:I.1901, 1903, 1905, 1907, 1909, and 1911;
III.505, 517, and 521; V.321 and 4303; VII.517;
and IX.2701, 2901, 2903, and 2905)(OS057)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Environmental Quality regulations, LAC 33:I.1901, 1903, 1905, 1907, 1909, and 1911; III.505, 517, and 521; V.321 and 4303; VII.517; and IX.2701, 2901, 2903, and 2905 (Log #OS057).

This Rule will provide a unified, streamlined process for name or ownership/operator changes at facilities under the purview of the air, LPDES, hazardous waste, and solid waste regulatory programs. The department's re-engineering resulted in the creation of a single entity to handle name or ownership/operator changes. The Governor's Environmental Task Force recognized that the regulatory processes for these changes were cumbersome for both the regulated community and the department's staff. Therefore, the task force recommended that the department create a streamlined process for all media. The project will occur in two stages. The first stage is being addressed in this proposed Rule and deals with only permitted media facilities. The second stage will address hazardous and solid waste generators and other miscellaneous programs. The basis and rationale for this rule are to allow a unified procedure for all media resulting in cleaner notification procedures for the regulated community.

This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33 ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Subpart 1. Department Administrative Procedures Chapter 19. Facility Name and Ownership/Operator Changes Process

§1901. Applicability

A. This Chapter applies to name and ownership/operator changes at facilities that are under the purview of the air, water, hazardous waste, and solid waste regulatory programs. Written notifications of these changes shall be submitted to the department for facilities applying for or holding air permits, Louisiana Pollutant Discharge Elimination System (LPDES) permits, hazardous waste permits, and solid waste permits. A name, ownership, and/or operator change will be considered a minor permitting action or administrative amendment.

B. When the ownership of a facility holding an LPDES permit changes and there is no change to the operator of that facility, a permit transfer is not required. Notification of the change of ownership is still required in accordance with LAC 33:I.1905.

C. This Chapter does not supersede any otherwise applicable requirements addressing administrative amendments or modifications in the air, LPDES, hazardous waste, and solid waste programs, in particular, applicable MACT rules or acid rain program requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

§1903. Liability

A. The previous owner or operator retains responsibility for compliance with all permit terms and conditions until the administrative authority makes a determination regarding a change of ownership or operator as specified in this Chapter.

B. The previous owner or operator retains responsibility for compliance with the financial requirements until the new owner or operator has demonstrated that he or she is complying with the specified financial requirements of Title 33 of the Louisiana Administrative Code (e.g., LAC 33:V.Chapter 37, LAC 33:VII.727.A.1 and 2, and LAC 33:IX.Chapter 67).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

§1905. Name Change

A. Changes in the name only of a facility or of its owner/operator shall be made with written notification to the Office of Environmental Services. The owner or operator shall submit a complete Name/Ownership/Operator Change Form (NOC-1 Form) within 45 days after the change. This form may be found on the department's website.

B. Within 30 days after receipt of the complete notification of a change of name of a facility or of its owner/operator, the administrative authority shall notify the

owner/operator that the department has received and processed the name change. The effective date of the name change shall be the date indicated on the NOC-1 Form unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

C. For permitted hazardous waste facilities, the permittee shall send a notice of the name change to all persons on the facility mailing list maintained by the administrative authority in accordance with LAC 33:V.717.A.5, and to the appropriate units of state and local government, as specified in LAC 33:V.717.A.2 and 4. This notification shall be made within 90 calendar days after the change is effective.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

§1907. Change of Ownership/Operator No Financial Assurance Required

A. The administrative authority may approve the transfer of a permit to a new owner or operator where no financial assurance is required, based on the presence of the following factors:

1. assumption by the new owner or operator of liability for existing violations; and
2. evidence of managerial competence on the part of the new owner or operator (e.g., compliance history and compliance with LAC 33:I.1701).

B. Changes in the ownership or operational control of a facility shall be made with written notification to the Office of Environmental Services. The new owner or operator shall submit a Name/Ownership/Operator Change Form (NOC-1 Form) within 45 days after the change. A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the previous and new permittees shall also be submitted to the administrative authority. The agreement shall be attached to the NOC-1 Form. The department may initiate action to terminate or revoke an existing media permit for a failure to disclose a change of ownership or operational control within 45 days after the change.

C. Within 30 days after receipt of the complete notification of a change of the ownership or operational control of a facility, the administrative authority shall notify the previous and new owners/operators of the department's approval or disapproval of the transfer of the permit to the new owner or operator based on its evaluation of the factors set forth in Subsection A of this Section. The department will also notify EPA of changes in Title V permits within the same timeframe. The effective date of the permit transfer shall be the date indicated on the NOC-1 Form unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

§1909. Change of Ownership/Operator Financial Assurance Required

A. The administrative authority may approve the transfer of a permit to a new owner or operator where financial assurance is required, based on the following factors:

1. assumption by the new owner or operator of liability for existing violations;
2. demonstration of compliance with financial responsibility requirements by the new owner or operator; and
3. evidence of managerial competence on the part of the new owner or operator (e.g., compliance history and compliance with LAC 33:I.1701).

B. Changes in the ownership or operational control of a facility shall be made with written notification to the Office of Environmental Services. The new owner or operator shall submit a Name/Ownership/Operator Change Form (NOC-1 Form) within 45 days after the change. The department may initiate action to terminate or revoke an existing media permit for a failure to disclose a change of ownership or operational control within 45 days after the change. The following actions are also required to be completed in conjunction with the change of ownership/operator notification.

1. A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the previous and new permittees shall be submitted to the administrative authority. The agreement shall be attached to the NOC-1 Form.

2. Permitted and interim status hazardous waste facilities shall also submit a revised Part I (i.e., Part A) permit application and Hazardous Waste Notification Form (HW-1 Form) in conjunction with the NOC-1 Form.

3. When a transfer of ownership or operational control occurs, the previous owner or operator shall comply with the applicable requirements of LAC 33:V.Chapter 37 (hazardous waste financial requirements), LAC 33:VII.727.A.1 and 2 (solid waste financial assurance requirements), and LAC 33:IX.Chapter 67 (water financial security requirements) until the new owner or operator has demonstrated that he or she is complying with the applicable requirements of LAC 33:V.Chapter 37, LAC 33:VII.727.A.1 and 2, and LAC 33:IX.Chapter 67.

4. The new owner or operator shall demonstrate compliance with the applicable requirements of LAC 33:V.Chapter 37, LAC 33:VII.727.A.1 and 2, and LAC 33:IX.Chapter 67 within six months of the date of the change of ownership or operational control of the facility. Upon demonstration to the administrative authority by the new owner or operator of compliance with these financial assurance requirements, the administrative authority shall notify the previous owner or operator that he or she no longer needs to comply with the financial assurance requirements as of the date of demonstration.

C. Within 45 days after receipt of the complete notification of a change of ownership or operational control of a facility, the administrative authority shall notify the previous and new owners/operators of the department's approval or disapproval of the transfer of the permit to the new owner or operator based on its evaluation of the factors set forth in Subsection A of this Section. The effective date

of the permit transfer shall be the date indicated on the NOC-1 Form unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

D. For permitted hazardous waste facilities, the new permittee shall send a notice of the change of ownership or operational control to all persons on the facility mailing list maintained by the administrative authority in accordance with LAC 33:V.717.A.5, and to the appropriate units of state and local government, as specified in LAC 33:V.717.A.2 and 4. This notification shall be made within 90 calendar days after the administrative authority has provided a written response approving the notification and the change has been put into effect.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

§1911. Fees for Name and Ownership/Operator Changes

A. Notifications of name or ownership/operator changes at a facility shall be submitted by the new owner or operator with the appropriate fees. The fees listed below cover the cost of reviewing, evaluating, and processing a name or ownership/operator change that has occurred at the facility.

Name and Ownership/Operator Change Fees	
Program	LAC Citation for Fee
Air	LAC 33:III.223, Fee Number 2000
Hazardous Waste	LAC 33:V.5123.A
Solid Waste: Type I/ I-A, II, and II-A facilities	LAC 33:VII.525.C (N/A for name change alone)
Solid Waste: Type III facilities or beneficial use facilities	LAC 33:VII.525.D (N/A for name change alone)
LPDES	LAC 33:IX.1309.D.4 (N/A for name change alone)

B. Method of Payment. All fee payments shall be made by check, draft, or money order payable to the Department of Environmental Quality and mailed to the department at the address provided on the NOC-1 Form.

C. Failure to Pay. Failure to pay the prescribed name change or ownership/operator change fee as provided herein shall result in the change request not being processed by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

Part III. Air

Chapter 5. Permit Procedures

§505. Acid Rain Program Permitting Requirements

A. - O.1.d. ...

e. changes in the owners or operators, done in accordance with LAC 33:I.Chapter 19;

O.1.f. - S.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy,

Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), LR 21:678 (July 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2446 (November 2000), amended by the Office of Environmental Assessment, LR 31:

§517. Permit Applications and Submittal of Information

A. - F. ...

G. Change of ownership shall be done in accordance with LAC 33:I.Chapter 19.

H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), amended LR 20:1375 (December 1994), amended by the Office of the Secretary, LR 22:344 (May 1996), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:405 (April 1997), LR 23:1677 (December 1997), amended by the Office of the Secretary, LR 25:661 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2448 (November 2000), amended by the Office of Environmental Assessment, LR 30:2021 (September 2004), LR 31:

§521. Administrative Amendments

A. - A.2. ...

3. allows for a change in ownership at the source, in accordance with forms and guidance provided by the permitting authority and pursuant to LAC 33:I.Chapter 19;

A.4. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), amended LR 20:1375 (December 1994), amended by the Office of Environmental Assessment, LR 31:

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality Hazardous Waste

Chapter 3. General Conditions for Treatment, Storage, and Disposal Facility Permits

§321. Modification of Permits

A. Any proposed major modification of a facility or a site, any change in wastes handled in either volume or composition, and any other change in the site, facility, or operations that materially deviates from a permit or materially increases danger to the public health or the environment must be reported in writing to the Office of Environmental Services prior to such an occurrence and a permit modification must be obtained in accordance with the application, public notice, and permit requirements of this Chapter. Any operator or ownership change shall be made in accordance with LAC 33:I.Chapter 19.

B. - B.1. ...

2. Changes in the ownership or operational control of a facility shall be made in accordance with LAC 33:I.Chapter 19.

C. - C.1.a. ...

i. The permittee must notify the Office of Environmental Services concerning the modification by certified mail or other means that establish proof of delivery within seven calendar days after the change is put into effect. This notice must specify the changes being made to permit

conditions or supporting documents referenced by the permit and must explain why they are necessary. Along with the notice, the permittee must provide the applicable information required by LAC 33:V.515-533, 2707, and 3115.

1.a.ii. - 10.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 15:378 (May 1989), LR 16:614 (July 1990), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1691 (September 1998), LR 25:435 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2466 (November 2000), LR 28:1000 (May 2002), LR 29:319 (March 2003), amended by the Office of Environmental Assessment, LR 31:

Chapter 43. Interim Status

§4303. Changes during Interim Status

A. - A.3.b. ...

4. changes in the ownership or operational control of a facility, which shall be done in accordance with LAC 33:I.Chapter 19;

A.5. - B.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 15:378 (May 1989), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:1375 (December 1992), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:484 (March 1999), amended by the Office of Environmental Assessment, LR 31:

Part VII. Solid Waste

Subpart 1. Solid Waste Regulations

Chapter 5. Solid Waste Management System

Subchapter B. Permit System for Facilities Classified for Upgrade or Closure

§517. Permit Modifications

A. - A.1.a.ii. ...

b. All notifications of proposed changes in ownership of a permit for a facility shall be done in accordance with LAC 33:I.Chapter 19.

2. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 25:661 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2520 (November 2000), amended by the Office of Environmental Assessment, LR 30:2033 (September 2004), LR 31:

Part IX. Water Quality

Subpart 2. The Louisiana Pollutant Discharge Elimination System (LPDES) Program

Chapter 27. LPDES Permit Conditions

§2701. Conditions Applicable to All Permits

The following conditions apply to all LPDES permits. Additional conditions applicable to LPDES permits are in

LAC 33:IX.2703. All conditions applicable to LPDES permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations (or the corresponding approved state regulations) must be given in the permit.

A. - L.2. ...

3. Transfers. This permit is not transferable to any person except after notice to the state administrative authority in accordance with LAC 33:I.Chapter 19. The state administrative authority may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the CWA or the LEQA. (See LAC 33:IX.2901; in some cases, modification or revocation and reissuance is mandatory.)

L.4. - N.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Water Pollution Control Division, LR 23:724 (June 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2553 (November 2000), LR 28:468 (March 2002), repromulgated LR 30:230 (February 2004), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 31:

Chapter 29. Transfer, Modification, Revocation and Reissuance, and Termination of LPDES Permits

§2901. Transfer of Permits

A. Transfers by Modification. Except as provided in LAC 33:IX.2901.B, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under LAC 33:IX.2903.A.2.b), or a minor modification has been made (under LAC 33:IX.2905 and in accordance with LAC 33:I.Chapter 19) to identify the new permittee and incorporate such other requirements as may be necessary under the CWA and the LEQA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Sections 2074(B)(3) and (4) and 2075.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:45 (January 2001), repromulgated LR 30:231 (February 2004), amended by the Office of Environmental Assessment, LR 31:

§2903. Modification or Revocation and Reissuance of Permits

A. - A.2.a. ...

b. the state administrative authority has received notification in accordance with LAC 33:I.Chapter 19 (as required in the permit, see LAC 33:IX.2701.L.3) of a proposed transfer of the permit. A permit also may be modified to reflect a transfer after the effective date of an automatic transfer (LAC 33:IX.2901.B) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:724 (June 1997), LR 23:1524 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2283 (October 2000), LR 27:45 (January 2001), LR 28:470 (March 2002), repromulgated LR 30:231 (February 2004), amended by the Office of Environmental Assessment, LR 31:

§2905. Minor Modifications of Permits

A. - A.3. ...

4. allow for a change in ownership or operational control of a facility, in accordance with LAC 33:I.Chapter 19, where the state administrative authority determines that no other change in the permit is necessary;

5.a. - 7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:46 (January 2001), repromulgated LR 30:231 (February 2004), amended by the Office of Environmental Assessment, LR 31:

A public hearing will be held on June 28, 2005, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by OS057. Such comments must be received no later than July 5, 2005, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of Environmental Assessment, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to judith.schuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of OS057. This regulation is available on the Internet at www.deq.louisiana.gov under Rules and Regulations.

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Wilbert F. Jordan, Jr.
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Facility Name and Ownership/Operator
Changes Process**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no expected implementation costs or savings to state or local governmental units by the proposed Rule. Department staff will realize some reduction in process and review time as a result of the proposed Rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no estimated effect on revenue collections of state or local governmental units by the proposed Rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

There will be no costs and/or economic benefits to directly affected persons or non-governmental groups, however, regulated entities will realize a reduction in paperwork as a result in the change in process implemented by the proposed Rule.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

There is no estimated effect on competition and employment by the proposed Rule.

Karen K. Gautreaux
Deputy Secretary
0505#034

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of Environmental Assessment**

**Financial Assurance Requirements
(LAC 33:XV.325 and 399)(RP039ft)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Radiation Protection regulations, LAC 33:XV.325 and 399 (Log #RP039ft).

This proposed Rule is identical to federal regulations found in 10 CFR 30.35 and Appendices D and E of Part 30 (2003), which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3550 or Box 4314, Baton Rouge, LA 70821-4314. No fiscal or economic impact will result from the proposed rule; therefore, the Rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

Two new paragraphs and two appendices are added to Louisiana's radiation regulations to mirror the federal regulations for financial assurance. The amounts of financial assurance required for decommissioning by the licensees are also being increased to mirror the federal regulations. The department needs to increase the amounts of financial assurance required as suggested by the Nuclear Regulatory Commission because the amounts previously specified in the

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THE ADVOCATE

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LDEQ/OSEC/LARD
REGULATION DEVELOPMENT SECTION

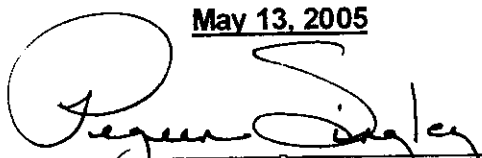
PROOF OF PUBLICATION

The hereto attached notice was published in THE ADVOCATE, a daily newspaper of general circulation published in Baton Rouge, Louisiana, and the official Journal of the State of Louisiana, the City of Baton Rouge, and the Parish of East Baton Rouge, in the following issues:

05/13/05


Susan A. Bush, Public Notices Clerk

Sworn and subscribed before me by the person whose signature appears above:

May 13, 2005

Pegeen Singley, Notary Public, #66565
My Commission Expires: Indefinite
Baton Rouge, Louisiana

3076710

DEQ - REGULATION
REMENDER WEATHERSPOON
PO BOX 4314
BATON ROUGE

LA 70821-4314

NOTICE OF INTENT

Department of
Environmental Quality
Office of Environmental
Assessment

Facility Name and Ownership/
Operator Changes Process
(LAC 33:1.1901, 1903, 1905,
1907, 1909, and 1911; III.505, 517, and
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and 2905) (OS057)

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This proposed rule meets an exception listed in R.S. 30:2019 (D)(2) and R.S. 49:953 (G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on June 28, 2005, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by OS057. Such comments must be received no later than July 5, 2005, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of Environmental Assessment, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to judith.schuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of OS057. This regulation is available on the Internet at www.deq.louisiana.gov under Rules and Regulations.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Cadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

Wilbert F. Jordan, Jr.
Assistant Secretary
3076710-may 13-11

NOTICE OF INTENT

Department of Environmental
Quality
Office of Environmental
Assessment

Entity Name and Owner-
ship/Operator Changes Proc-

LAC 33:1.1901, 1903, 1905,
07, 1909, and 1911; III.505,
7, and 521; V.321 and
03; VII.517; and IX.2701,
01, 2903, and 2905 (Log
S057)

Under the authority of the Envi-
ronmental Quality Act, R.S.
2001 et seq., and in accord-
ance with the provisions of the
Administrative Procedure Act,
34:950 et seq., the secretary
gives notice that rulemaking pro-
cedures have been initiated to
amend the Environmental Quali-
ty Regulations, LAC 33:1.1901,
03, 1905, 1907, 1909, and
11; III.505, 517, and 521; V.321
and 4303; VII.517; and IX.2701,
01, 2903, and 2905 (Log
S057).

This rule will provide a unified,
streamlined process for name or
ownership/operator changes at
facilities under the purview of
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being addressed in this pro-
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permitted media facilities. The
second stage will address haz-
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programs. The basis and ration-
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ownership/operator changes at
facilities under the purview of
community.

This proposed rule meets an
exception listed in R.S.
30:2019(D)(2) and R.S.
49:953(G)(3); therefore, no report
regarding environmental/health
benefits and social/economic
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rule has no known impact on
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Ph.D., Office of Environmental
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70123; 111 New Center Drive,
Lafayette, LA 70508; 110
Barataria Street, Lockport, LA
70374.

Wilbert F. Jor-
dan, Jr.
Assistant Secretary

Monroe, LA
May 20, 2005

Publisher of

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JUN 03 2005

LDEQ/OSEC/LARD
REGULATION DEVELOPMENT SECTION

**THE NEWS-STAR
MONROE, LOUISIANA
PROOF OF PUBLICATION**

The hereto attached advertisement
Was published in the NEWS-STAR.
A daily newspaper of general circulation.

Published in Monroe, Louisiana.

Parish of Ouachita in the issues of:

May 20, 2005
Christa Davis

LEGAL AD DEPT.

Sworn and subscribed before me by

signature appears above in Monroe, LA on this

May 20 *05* AD

Virginia Hucpaley
#62091

NOTARY PUBLIC

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MAY 24 2005

Acadiana's Daily Newspaper

LDEQ/OSEC/LARD
REGULATION DEVELOPMENT SECTION

THE ADVERTISER

221 JEFFERSON STREET
LAFAYETTE, LA 70501

PHONE: (337) 289-6300
FAX: (337) 289-6466

AFFIDAVIT OF PUBLICATION

Remender D. Weatherspoon
Department of Environmental Quality
OEA/AQAD/Regulation Development Section
P. O. Box 4314
Baton Rouge, LA 70821-4314

Account No.: LDEQRD
Ad Number: 07530880
Ad Total: \$90.00
Ad Inches: 15
Reference No.:

**To insure proper credit please refer to your account number
and/or ad number when making payment. Remittance address:
P.O. Box 3268, Lafayette, LA 70502-3268

I, ROSE PENFOLD, do solemnly swear that I am the LEGAL CLERK of THE ADVERTISER,
a newspaper printed and published at Lafayette, in the Parish of Lafayette, State of Louisiana, and
that from my personal knowledge and reference to the files of said publication, the advertisement of

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment

Facility Name and Ownership/Operator Changes Process

(LAC 33:I.1901, 1903, 1905, 1907, 1909, and 1911; III.505, 517, and 521; V.321 and 4303;
VII.517; and IX.2701, 2901, 2903, and 2905) (OS057)

was published in THE ADVERTISER on the following dates:

*Thursday, May 12, 2005



ROSE PENFOLD
Legal Clerk

Sworn to and subscribed before me this 10th day of May, 2005.



NOTARY PUBLIC

07530880
NOTICE OF INTENT

Department of
Environmental Quality
Office of
Environmental
Assessment

Facility Name and
Ownership/Operator
Changes Process
(LAC 33:I.1901, 1903,
1905, 1907, 1909, and
1911; III.505, 517, and
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(OS057)

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provisions of the Ad-
ministrative Proce-
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gives notice that rule-
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1903, 1905, 1907, 1909,
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This proposed rule
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required. This pro-
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known impact on fami-
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and autonomy as de-
scribed in R.S. 49:972.

A public hearing will
be held on June 28,
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Judith A. Schuerman,
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Schuerman, Ph.D., Of-
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Rouge, LA 70821-4314
or to FAX (225) 219-
3582 or by e-mail to ju-
dith.schuerman@la.go-
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(225) 219-3168. Check
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4, Suite 420, New Or-
leans, LA 70123; 111
New Center Drive, La-
fayette, LA 70508; 110
Barataria Street,
Lockport, LA 70374.

Wilbert F. Jordan, Jr.
Assistant Secretary

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MAY 17 2005

LDEQ/OSEC/LARD
REGULATION DEVELOPMENT SECTION

The Times-Picayune

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097

TELEPHONE (504) 826-3206

NOTICE OF INTENT

Department of
Environmental Quality
Office of Environmental
Assessment

Facility Name and Ownership/
Operator Changes Process
(LAC 33:1901, 1903, 1905, 1907,
1909, and 1911; III.505, 517, and
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(OS057)

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30:2019(D)(2) and R.S.
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Office of Environmental
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Center Drive, Lafayette, LA
70508; 110 Barataria Street,
Lockport, LA 70374.

Wilbert F. Jordan, Jr.
Assistant Secretary

State of Louisiana

Parish of Orleans

City of New Orleans

Personally appeared before me, a Notary in and for the
parish of Orleans, Robert J. Chiasson who deposes and
says that he is the Accounts Receivable Manager, of The
Times-Picayune Publishing Corporation, a Louisiana
Corporation, Publishers of The Times-Picayune, Daily and
Sunday, of general circulation; doing business in the City
of New Orleans and the State of Louisiana, and that the
attached

LEGAL NOTICE

RE: Notice of Intent facility name & ownership/Operator
Changes Process (OS0057) Lac 33: 1901, 1903, 1905, 1907

Advertisement of Dept. Of Environmental Quality
P.O. BOX 4314
Baton Rouge, La. 70821-4313

Was published in The Times Picayune

On the following dates May 12, 2005

Sworn to and subscribed before me this
13th Day of May, 2005

Robert J. Chiasson

Notary Public

My commission expires at my death.

Charles A. Ferguson, Jr.

Notary identification number 23492

NOTICE OF INTENT -
Department of Environmental Quality, Office of Environmental Assessment. Facility Name and Ownership/Operator Changes Process
 (LAC 33:1.1901, 1903, 1905, 1907, 1909, and 1911; III.505, 517, and 521; V.321 and 4303; VII.517; and IX.2701, 2901, 2903, and 2905) (OS057)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Environmental Quality regulations, LAC 33:1.1901, 1903, 1905, 1907, 1909, and 1911; III.505, 517, and 521; V.321 and 4303; VII.517; and IX.2701, 2901, 2903, and 2905 (Log #OS057).

This rule will provide a unified, streamlined process for name or ownership/operator changes at facilities under the purview of the air, LPDES, hazardous waste, and solid waste regulatory programs. The department's re-engineering resulted in the creation of a single entity to handle name or ownership/operator changes. The Governor's Environmental Task Force recognized that the regulatory processes for these changes were cumbersome for both the regulated community and the department's staff. Therefore, the task force recommended that the department create a streamlined process for all media. The project will occur in two stages. The first stage is being addressed in this proposed rule and deals with only permitted media facilities. The second stage will address hazardous and solid waste generators and other miscellaneous programs. The basis and rationale for this rule are to allow a unified procedure for all media resulting in cleaner notification procedures for the regulated community.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

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Wilbert F. Jordan, Jr.
 Assistant Secretary
 May 18
 00165663

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MAY 24 2005

LDEQ/OSEC/LARD
REGULATION DEVELOPMENT SECTION

Affidavit of Publication

STATE OF LOUISIANA

Parish of Calcasieu

Before me the undersigned authority, personally came and appeared



who being duly sworn, deposes and says:

He/She is a duly authorized agent of

LAKE CHARLES AMERICAN PRESS

a newspaper published daily at 4900 Highway 90 East,

Lake Charles, Louisiana, 70615. (Mail address: P.O. Box 2893

Lake Charles, LA 70602)

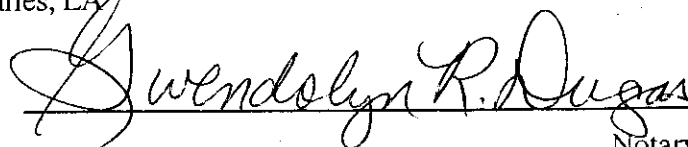
The attached Notice was published in said newspaper in its issue(s) dated:

00165663 - \$48.00

May 18, 2005



Duly Authorized Agent

Subscribed and sworn to before me on this 18th day of May, 2005 at
 Lake Charles, LA


Notary Public

19100876

LA DEQ

Gwendolyn R. Dugas
 #056523

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment

Facility Name and Ownership/Operator Changes Process (LAC 33:1.1901, 1903, 1905, 1907, 1909, and 1911; III.505, 517, and 521; V.321 and 4303; VII.517; and IX.2701, 2901, 2903, and 2905) (OS057)

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The Times

RECEIVED

MAY 17 2005

LDEQ/OSEC/LARD
REGULATION DEVELOPMENT SECTION

PROOF OF PUBLICATION

00000

STATE OF LOUISIANA
PARISH OF CADDO

Before me, the undersigned authority, personally came and appeared

Altheas Critton, personally known to me,

Who being duly sworn, deposes and says that she is the Assistant to the Classified Advertising Manager of The Times, and that the attached Advertisement entitled:

NOTICE OF INTENT Department of Environmental Quality Office of Environmental Assessment Facility Name and Ownership/Operator Changes Process (OS057)

May 12, 2005

(Signed) Altheas Critton

Sworn to and subscribed before me this 12th day of May, 2005

Diana W. Barber
(Notary)

DIANA W. BARBER, NOTARY PUBLIC # 60491
CADDO PARISH, LOUISIANA
MY COMMISSION IS FOR LIFE

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Wilbert F. Jordan, Jr.
Assistant Secretary
The Times
May 12, 2005

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MAY 24 2005

LDEQ/OSEC/LARD
REGULATION DEVELOPMENT SECTION

AFFIDAVIT OF PUBLICATION

(A Correct Copy of Publication)

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Facility Name and
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ulations, LAC 33:1.1901,
1903, 1905, 1907, 1909, and
1911; III.505, 517, and 521;
V.321 and 4303; VII.517; and
IX.2701, 2901, 2903, and 2905
(Log #OS057).

This rule will provide a
unified, streamlined process
for name or
ownership/operator
changes at facilities under
the purview of the air,
LPDES, hazardous waste,
and solid waste regulatory
programs. The depart-
ment's re-engineering
resulted in the creation of a
single entity to handle
name or ownership/operator
changes. The
Governor's Environmental
Task Force recognized that
the regulatory processes for
these changes were cum-
bersome for both the regu-
lated community and the
department's staff.
Therefore, the task force
recommended that the
department create a
streamlined process for all
media. The project will
occur in two stages. The
first stage is being
addressed in this proposed
rule and deals with only
permitted media facilities.
The second stage will
address hazardous and
solid waste generators and
other miscellaneous pro-
grams. The basis and
rationale for this rule are to
allow a unified procedure
for all media resulting in
cleaner notification proce-
dures for the regulated
community.

This proposed rule meets
an exception listed in R.S.
30:2019(D)(2) and R.S.
49:953(G)(3); therefore, no
report regarding environ-
mental/health benefits and
social/economic costs is
required. This proposed
rule has no known impact
on family formation, stabil-
ity, and autonomy as
described in R.S. 49:972.

A public hearing will be
held on June 28, 2005, at
1:30 p.m. in the Galvez
Building, Oliver Pollock
Conference Room C111, 602
N. Fifth Street, Baton
Rouge, LA 70802. Interested

persons are invited to
attend and submit oral
comments on the proposed
amendments. Should indi-
viduals with a disability
need an accommodation in
order to participate, contact
Judith A. Schuerman,
Ph.D., at the address given
below or at (225) 219-3550.
Free parking is available
across the street in the
Galvez parking garage
when the parking ticket is
validated by department
personnel at the hearing.

All interested persons are
invited to submit written
comments on the proposed
regulation. Persons com-
menting should reference
this proposed regulation by
OS057. Such comments
must be received no later
than July 5, 2005, at 4:30
p.m., and should be sent to
Judith A. Schuerman,
Ph.D., Office of
Environmental Assessment,
Regulation Development
Section, Box 4314, Baton
Rouge, LA 70821-4314 or to
FAX (225) 219-3582 or by
e-mail to judith.schuerman@la.gov. Copies of
this proposed regulation
can be purchased by con-
tacting the DEQ Public
Records Center at (225)
219-3168. Check or money
order is required in
advance for each copy of
OS057. This regulation is
available on the Internet at
www.deq.louisiana.gov
under Rules and
Regulations.

This proposed regulation
is available for inspection
at the following DEQ office
locations from 8 a.m. until
4:30 p.m.: 602 N. Fifth
Street, Baton Rouge, LA
70802; 1823 Highway 546,
West Monroe, LA 71292;
State Office Building, 1525
Fairfield Avenue,
Shreveport, LA 71101; 1301
Gadwall Street, Lake
Charles, LA 70615; 201
Evans Road, Building 4,
Suite 420, New Orleans, LA
70123; 111 New Center
Drive, Lafayette, LA 70508;
110 Barataria Street,
Lockport, LA 70374.

WILBERT F. JORDAN,
JR.
Assistant Secretary

I, Linda Ward, Call Center Supervisor

of THE TOWN TALK, published at Alexandria,

Louisiana do solemnly swear that the

Public Notice

advertisement, as per clipping attached, was

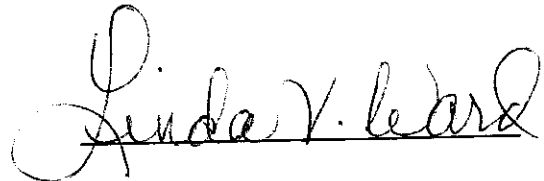
published in the regular and entire issue of said

newspaper, and not in any supplement thereof

for one insertions commencing with the issue

dated May 18, 2005 and ending with the

issue dated May 18, 2005.



Subscribed and sworn to before me

this 19th day of May, 2005

Notary Number 019888



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JUN 22 2005

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JUN 27 2005

La Dept of Env Quality
OEA/Executive

Mr. Wilbert F. Jordan, Jr.
Assistant Secretary
Office of Environmental Assessment
Louisiana Department of Environmental Quality
P.O. Box 4314
Baton Rouge, LA 70821-4314

RE: Facility Name or Owner/Operator Changes Proposed Rule (0S057)

Dear Mr. Jordan:

Thank you for the opportunity to review and provide comments on your proposed changes regarding facility name or owner/operator changes. We provide the following comments to assist in assuring that your final rule will be consistent with the requirements of the Clean Air Act (Act) and our regulations promulgated under that Act. Please note that the following comments represent those of the Environmental Protection Agency (EPA) Region 6 Air Permits Program. Other program media may provide separate comments.

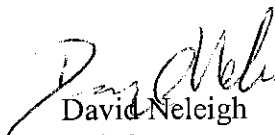
1. Section 1901 should define the scope of "air permits" and as to which ones the draft rule will apply.
2. In § 1901, the terms "administrative amendment" and "minor modification" are not defined in the draft rule. If these terms are defined elsewhere, there should be reference to this in the Applicability section. This appears to also be the case of "financial assurance" in § 1905.
3. The term "administratively complete" lacks reference to an existing section which specifically defines "administratively complete." Specifically, you should include a cross-reference to any existing provision which defines the term "administratively complete."
4. Proposed revisions to § 505(O)(1)(e). This Section currently provides that when there is a change in the owner or operator (at an acid rain source), the new owner or operator must submit a new certificate of representation to LDEQ within 30 days. The proposal would replace this provision with the

requirement that such changes in owners and operators be done in accordance with Chapter 19. The LDEQ must demonstrate that the provisions of Chapter 19 are at least as stringent as the Acid Rain Program mandated by the Clean Air Act (§ 408(i)) and EPA's regulations (40 Code of Federal Regulations part 72, subpart B). The LDEQ could address this concern by clarifying that the provision under the proposed § 1901(C) applies because it provides that Chapter 19 does not supercede any otherwise applicable requirements addressing administrative amendments or modifications.

5. The LDEQ has proposed revisions to §§ 505 and 517. These provisions are currently approved as part of Louisiana's Title V Operating Permits Program. You should submit the changes to §§ 505 and 517 as revisions to its Title V Operating Permits Program.
6. Other provisions that you propose may also revise or affect provisions that are approved as part of the Louisiana State Implementation Plan (SIP). If this is the case, you should submit such changes as revisions to your SIP.

We appreciate the opportunity to provide these comments. If you have any questions, please call Mr. Stanley M. Spruiell of my staff at (214) 665-7212.

Sincerely yours,



David Neleigh
Chief
Air Permits Section

DEPARTMENT OF ENVIRONMENTAL QUALITY

REGULATION DEVELOPMENT SECTION

June 28, 2005

ORIGINAL

1:33 P.M.

Galvez Building, Oliver Pollock Conference Room
602 North Fifth Street
Baton Rouge, Louisiana

LOG NUMBER: OS057

Facility Name and Ownership/Operator
Changes Process

Which amends LAC 33:I.1901, 1903,
1905, 1907, 1909, and 1911; III.505,
517, and 521; V.321 and 4303; VII.517;
and IX.2701, 2901, 2903, and 2905

SANDRA STEPHENS -- HEARING OFFICER

BEFORE: Mark LaCour, Certified Stenomask
Reporter, in and for the State of
Louisiana

ASSOCIATED REPORTERS, INC.
Mark LaCour, C.C.R.
(225) 216-2036

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LDEQ/OSEC/LARO.
REGULATION DEVELOPMENT SECTION

H E A R I N G

MS. STEPHENS:

Good afternoon, my name is Sandy Stephens. I'm employed with the Louisiana Department of Environmental Quality. I'll be serving as hearing officer this afternoon to receive comments regarding proposed amendments to the Department of Environmental Quality regulations.

The comment period for these amendments began on May 20, 2005, when the notice of intent was published in the Louisiana Register. The comment period will close at 4:30 p.m., today, June 28, 2005, for proposed rules AQ251ft and RP039ft, and at 4:30 p.m. on July 5, 2005, for proposed rule OS057. It would be helpful to us if all oral comments received today were followed up in writing.

This public hearing provides a forum for all interested parties to present comments on the proposed changes. I'll ask that each person

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1 commenting come up and sit at the front
2 table and begin by stating his or her
3 name and affiliation for the record.

4 The next amendment is designated
5 by the Log Number OS057. This rule will
6 provide a unified, streamlined process
7 for name or ownership/operator changes
8 at facilities under the purview of the
9 air, LPDES, hazardous waste, and solid
10 waste regulatory programs. The
11 department's re-engineering resulted in
12 the creation of a single entity to
13 handle name or ownership/operator
14 changes. The Governor's Environmental
15 Task Force recognized that the
16 regulatory processes for these changes
17 were cumbersome for both the regulated
18 community and the department's staff.
19 Therefore, the task force recommended
20 that the department create a streamlined
21 process for all media. The project will
22 occur in two stages. The first stage is
23 being addressed in this proposed rule
24 and deals only with permitted media
25 facilities. The second stage will

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1 address hazardous and solid waste
2 generators and other miscellaneous
3 programs. Comments will begin with Mr.
4 Henry Graham.

5 **MR. GRAHAM:**

6 Good afternoon, my name is Henry
7 Graham, director of Environmental and
8 Legal Affairs for the Louisiana Chemical
9 Association. LCA is a trade association
10 representing chemical manufacturers in
11 the state of Louisiana. Some of our
12 members from time to time due to
13 business conditions may change or
14 request changes in name or ownership,
15 and as a result may be impacted by these
16 proposed regulations. In general, LCA
17 supports the development of the proposed
18 rules. We believe the rules will
19 provide some consistency across programs
20 and will improve the effectiveness and
21 the time to transfer to make these name
22 or ownership changes.

23 We do have several small comments
24 that we wish to provide to the agency
25 and we plan to submit these comments in

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1 writing prior to the deadline for
2 comments. One of the comments that I
3 just want to mention is in section 1901,
4 and that particular comment is --
5 regards the applicability of a automatic
6 transfer of a LPDES permit. We believe
7 that this requirement should be
8 maintained and not eliminated in the
9 proposal rule.

10 Again, we appreciate the
11 opportunity to comment, we will submit
12 our comments in writing and ask that the
13 department review them, prior to seeking
14 oversight of approval of the proposed
15 regulations. Thank you.

16 MS. STEPHENS:

17 Does anyone else care to comment
18 ~~on~~ this regulation? If not, the hearing
19 on OS057 is closed. Thank you for your
20 attention and participation. This
21 hearing is closed.

22
23 WHEREUPON, AT 1:36 P.M. THE HEARING CLOSED

24 * * * * *

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Mark LaCour, C.C.R.

(225) 216-2036

R E P O R T E R ' S P A G E

I, Mark LaCour, Certified Court Reporter, in and for the State of Louisiana, the officer, as defined in Rule 28 of the Federal Rules of Civil Procedure and/or Article 1434(b) of the Louisiana Code of Civil Procedure, before whom this sworn testimony was taken, do hereby state on the record:

That due to the interaction in the spontaneous discourse of this proceeding, dashes (--) have been used to indicate pauses, changes in thought, and/or talk overs; that same is the proper method for a Court Reporter's transcription of proceeding, and that the dashes (--) do not indicate that words or phrases have been left out of this transcript.

Also, any words and/or names which could not be verified through reference material have been denoted with the phrase "(inaudible)."



Mark LaCour, C.C.R.

89054

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Mark LaCour, C.C.R.

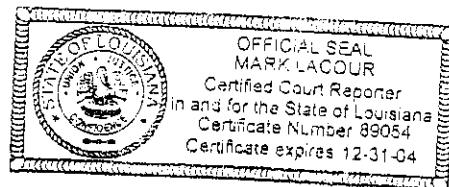
(225) 216-2036

C E R T I F I C A T I O N

I, the undersigned reporter, do hereby certify that the above and foregoing is a true and correct transcription of the stenomask tape of the proceedings had herein, taken down by me and transcribed under my supervision, to the best of my ability and understanding, at the time and place hereinbefore noted, in the above-entitled cause.

I further certify that the witness was duly sworn by me in my capacity as a Certified Court Reporter pursuant to the provisions of R.S. 37:2551 et seq. in and for the state of Louisiana; that I am not of counsel nor related to any of the counsel of any of the parties, nor in the employ of any of parties, and that I have no interest in the outcome of this action.

I further certify that my license is in good standing as a court reporter in and for the state of Louisiana.



A handwritten signature in dark ink, appearing to read 'Mark LaCour', is written over a horizontal dashed line.

Mark LaCour, C.C.R.

89054

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Mark LaCour, C.C.R.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JUN 22 2005

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JUN 27 2005

La Dept of Env Quality
OEA/Executive

Mr. Wilbert F. Jordan, Jr.
Assistant Secretary
Office of Environmental Assessment
Louisiana Department of Environmental Quality
P.O. Box 4314
Baton Rouge, LA 70821-4314

RE: Facility Name or Owner/Operator Changes Proposed Rule (0S057)

Dear Mr. Jordan:

Thank you for the opportunity to review and provide comments on your proposed changes regarding facility name or owner/operator changes. We provide the following comments to assist in assuring that your final rule will be consistent with the requirements of the Clean Air Act (Act) and our regulations promulgated under that Act. Please note that the following comments represent those of the Environmental Protection Agency (EPA) Region 6 Air Permits Program. Other program media may provide separate comments.

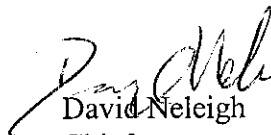
1. Section 1901 should define the scope of "air permits" and as to which ones the draft rule will apply.
2. In § 1901, the terms "administrative amendment" and "minor modification" are not defined in the draft rule. If these terms are defined elsewhere, there should be reference to this in the Applicability section. This appears to also be the case of "financial assurance" in § 1905.
3. The term "administratively complete" lacks reference to an existing section which specifically defines "administratively complete." Specifically, you should include a cross-reference to any existing provision which defines the term "administratively complete."
4. Proposed revisions to § 505(O)(1)(e). This Section currently provides that when there is a change in the owner or operator (at an acid rain source), the new owner or operator must submit a new certificate of representation to LDEQ within 30 days. The proposal would replace this provision with the

requirement that such changes in owners and operators be done in accordance with Chapter 19. The LDEQ must demonstrate that the provisions of Chapter 19 are at least as stringent as the Acid Rain Program mandated by the Clean Air Act (§ 408(i)) and EPA's regulations (40 Code of Federal Regulations part 72, subpart B). The LDEQ could address this concern by clarifying that the provision under the proposed § 1901(C) applies because it provides that Chapter 19 does not supercede any otherwise applicable requirements addressing administrative amendments or modifications.

5. The LDEQ has proposed revisions to §§ 505 and 517. These provisions are currently approved as part of Louisiana's Title V Operating Permits Program. You should submit the changes to §§ 505 and 517 as revisions to its Title V Operating Permits Program.
6. Other provisions that you propose may also revise or affect provisions that are approved as part of the Louisiana State Implementation Plan (SIP). If this is the case, you should submit such changes as revisions to your SIP.

We appreciate the opportunity to provide these comments. If you have any questions, please call Mr. Stanley M. Spruiell or my staff at (214) 665-7212.

Sincerely yours,



David Neleigh
Chief

Air Permits Section



DAN S. BORNE
PRESIDENT

LOUISIANA CHEMICAL ASSOCIATION

Michael Vince
Sandy Stephens ✓
Sharon Porter
2/1/05

Commenter #1

7-7-05

June 30, 2005

Ms. Judith A. Schuerman, Ph.D.
Regulation Development Section
Environmental Planning Division
Office of Environmental Assessment
Louisiana Department of Environmental Quality
P.O. Box 4314
Baton Rouge, Louisiana 70821-4314

VIA FACSIMILE AND HAND DELIVERY

RE: Comments of the Louisiana Chemical Association Concerning
the Facility Name and Ownership/Operator Changes Process Rules
(LAC 33:I.1901, 1903, 1905, 1907, 1909, and 1911; III.505, 517, and 521;
V.321 and 4303; VII.517; and IX.2701, 2901, 2903, and 2905)
Log No. OS057

Dear Dr. Schuerman:

As you know, a public hearing was held on June 28, 2005, regarding the proposed facility name and ownership/operator changes process rules, LAC 33:I.1901, 1903, 1905, 1907, 1909, and 1911; III.505, 517, and 521; V.321 and 4303; VII.517; and IX.2701, 2901, 2903, and 2905 (Log No. OS057) (the "Name/Owner/Operator Change Rules"). Further, as you know, the written comment period in connection with such proposed rules ends at 4:30 p.m., Tuesday, July 5, 2005.

Set forth below are the written comments of the Louisiana Chemical Association ("LCA") to the Louisiana Department of Environmental Quality ("LDEQ") for inclusion in the administrative record of proceedings in connection with the above-referenced proposed Name/Owner/Operator Change Rules (Log No. OS057).

LCA requests that (a) all oral comments provided at the public hearing on the Name/Owner/Operator Change Rules and (b) all written comments provided in connection with the Name/Owner/Operator Change Rules (including LCA's comments herein) be incorporated in the administrative record for the Name/Owner/Operator Change Rules. Pursuant to La. R.S. 49:953(A)(2)(b), LCA requests that LDEQ issue a concise statement of the principal reasons for and against the adoption of any modifications or changes suggested in written or oral comments made to LDEQ in connection with the Name/Owner/Operator Change Rules. Log No. OS057.

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JUN 30 2005

LDEQ

LCA also requests that, prior to any legislative oversight hearings, LDEQ provide to LCA a complete draft of proposed technical changes to the Name/Owner/Operator Change Rules. ? ✓

LCA's comments on the Name/Owner/Operator Change Rules follow:

LCA COMMENTS ON THE NAME/OWNER/OPERATOR CHANGE RULES¹

Introduction.

LCA is a nonprofit Louisiana corporation, composed of 68 members located at over 90 plant sites in Louisiana. Each such plant is subject to various regulatory programs within the jurisdiction of LDEQ and has permits issued by LDEQ. Because of the vagaries of business and the markets in which LCA members operate, it is not uncommon for an LCA member to undergo a name change or a change in ownership or operational control. Thus, LCA members may be substantially affected by the Name/Owner/Operator Change Rules (Log No. OS057).

1. General--Incorporation of Other Comments.

LCA hereby adopts and incorporates by reference those comments on the proposed Name/Owner/Operator Change Rules, LAC 33:I.1901, 1903, 1905, 1907, 1909, and 1911; III.505, 517, and 521; V.321 and 4303; VII.517; and IX.2701, 2901, 2903, and 2905 (Log No. OS057), made by the Louisiana Mid-Continent Oil & Gas Association ("LMOGA"), members of LCA, and members of LMOGA, to the extent such comments are not inconsistent with the comments made herein by LCA. None were made.

2. General.

Generally, LCA supports the proposed Name/Owner/Operator Change Rules and applauds LDEQ's efforts in attempting to streamline what can often be a difficult and time-consuming process. 1

3. LAC 33:I.1901--Applicability.

As further set forth in Comment No. 9 below, LCA submits that the ability to "automatically" transfer an LPDES permit should be maintained. Thus, LCA submits that a new LAC 33:I.1901.D should be added to the proposed regulation, which should read as follows: 2

¹ In these comments, LCA has attempted to blackline all of its proposed changes to the draft proposed rules (double underline reflects additions, and ~~strikeout~~ reflects deletions).

D. An LPDES permit may be transferred pursuant to LAC 33:IX.2901.B, in lieu of compliance with this Chapter.

4. LAC 33:I.1903.A--Liability.

As written, LAC 33:I.1903.A may confuse the regulated community, because most permit transfers will be effective upon the date indicated in the NOC-1 Form. Thus, LCA submits that such provision should be revised to read as follows:

- A. The previous owner or operator retains responsibility for compliance with all permit terms and conditions until the permit has been transferred ~~administrative authority makes a determination regarding a change of ownership or operator as specified in accordance with~~ this Chapter.

5. LAC 33:I.1907.A.1 and 2--Change of Ownership/Operator--No Financial Assurance Required.

Under the existing regulations, assumption by the new owner or operator of liability for existing violations is not a condition for transfers of air or LPDES permits. See, e.g., LAC 33:III.510.C.10, 517.G, and 521.A.3 and LAC 33:IX.2901 and 2905. Thus, LCA submits that assumption of such liability should not be a condition under LAC 33:I.Chapter 19 for the transfer of such permits. LCA thus submits that LAC 33:I.1907.A.1 should be deleted and LAC 33:I.1907.A.2 should be renumbered "LAC 33:I.1907.A.1."

6. LAC 33:I.1909.A.1--Change of Ownership/Operator--Financial Assurance Required.

For the reasons set forth in Comment No. 5 above, LCA submits that assumption by the new owner or operator of liability for existing violations should not be a condition for transfer of an LPDES permit. Thus, LCA submits that LAC 33:I.1909.A.1 should be revised to read as follows:

1. except with respect to LPDES permits, assumption by the new owner or operator of liability for existing violations;

7. LAC 33:I.1909.D--Change of Ownership/Operator--Financial Assurance Required.

LCA submits that the last sentence of LAC 33:I.1909.D should be revised to read as follows:

This notification shall be made within 90 calendar days after the administrative authority has provided a written response approving the ~~notification~~ transfer of the permit and the change has been put into effect.

8. LAC 33:IX.2701.L.3--Conditions Applicable to All Permits.

For the reasons set forth in Comment No. 9 below, LCA submits that LAC 33:IX.2701.L.3 should be revised to read as follows: 7/

3. Transfers. This permit is not transferable to any person except after notice to the state administrative authority in accordance with LAC 33:I.Chapter 19 or LAC 33:IX.2901.B. The state administrative authority may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the CWA or the LEQA. (See LAC 33:IX.2901; in some cases, modification or revocation and reissuance is mandatory.)

9. LAC 33:IX.2901.B--Transfer of Permits.

LCA submits that the option to automatically transfer an LPDES permit via the procedure provided in existing LAC 33:IX.2901.B should remain. This is a long-standing procedure, approved by the Environmental Protection Agency (*see, e.g., 40 CFR 122.61(b)*), and intimately familiar to LDEQ. There is no reason why this procedure cannot continue, as it is in harmony with--not antithetical to--LAC 33:I.Chapter 19 and facilitates the rapid transfer of permits. Thus LCA submits that LAC 33:IX.2901.B should not be deleted but should, instead, remain as part of the existing LPDES regulations. 8/

LCA welcomes further review and dialogue with LDEQ personnel in light of the significant impact the proposed regulations may have on industry. Should you have any questions regarding the written comments of LCA, please do not hesitate to contact me at 344-2609. Thank you for all of your assistance and cooperation.

Very truly yours,

LOUISIANA CHEMICAL ASSOCIATION

Henry T. Graham Jr.

Henry T. Graham, Jr.
Director of Legal and Environmental Affairs

Comment Summary Response & Concise Statement – OS057
Amendments to the Office of the Secretary, Air, Hazardous Waste, Solid Waste,
and Water Quality Regulations
Facility Name and Ownership/Operator Changes Process
LAC 33:I.1901, 1903, 1905, 1907, 1909, and 1911; III.505, 517, and 521; V.321 and
4303; VII.517; and IX.2701, 2901, 2903, and 2905

Concise Statement arguments:

FOR: [The reason supporting WHY the suggestion in the comment should be adopted by DEQ. Usually this is the commenter's perspective.]

AGAINST: [The reason WHY the department feels the suggestion should NOT be adopted.]

COMMENT 1: — Commenter supports DEQ's effort to streamline the Name/Owner/Operator change process.

No arguments necessary; comment does not suggest amendment or change.

RESPONSE 1: — The department appreciates the support and believes that the proposed changes will not only streamline the process, but help to maintain current, accurate facility information.

COMMENT 2: — Cross-reference "administratively complete" to the appropriate citation which defines the term.

FOR: [The reason supporting WHY the suggestion in the comment should be adopted by DEQ. Usually this is the commenter's perspective.]

AGAINST: [The reason WHY the department feels the suggestion should NOT be adopted.]

RESPONSE 2: —

COMMENT 3: §1901 — "Administrative amendment" and "minor modification" are not defined in the rule. If these terms are defined elsewhere in the regulations, reference this in the applicability section.

FOR: [The reason supporting WHY the suggestion in the comment should be adopted by DEQ. Usually this is the commenter's perspective.]

AGAINST: [The reason WHY the department feels the suggestion should NOT be adopted.]

RESPONSE 3: —

COMMENT 4: — Changes to provisions approved as part of the Louisiana State Implementation Plan (SIP) should be submitted as revisions to the SIP.

FOR: [The reason supporting WHY the suggestion in the comment should be adopted by DEQ. Usually this is the commenter's perspective.]

AGAINST: [The reason WHY the department feels the suggestion should NOT be adopted.]

RESPONSE 4: —

COMMENT 5: LAC 33:I.1901 — Commenter believes the requirement for an automatic transfer of an LPDES permit should be maintained and not eliminated in the proposed rule.

FOR: The automatic transfer process in the existing regulations only requires a facility to notify the agency more than 30 days prior to the change in order for the action to be recognized by the agency. This eliminates the need for going through the entire permit major modification process that is time consuming and more expensive.

AGAINST: The existing LPDES regulations in LAC 33.IX.2905 specifically refer to changes of ownership or operational control as minor modifications. The proposed regulations retain the reference to these changes being considered minor permitting actions. Additionally, the proposed rules give owners/operators more time to submit their notification to the agency. In addition, the Department must comply with the requirements of LAC 33:I.1701 regarding review of environmental history for owners and/or operators of regulated facilities.

RESPONSE 5: The department feels that the proposed regulations provide additional flexibility to facilities without adding paperwork or consequential financial burden. Therefore no changes were

made as a result of this comment.

COMMENT 6: §1901 — Define the scope of “air permits” and state to which ones the rule will apply.

FOR: [The reason supporting WHY the suggestion in the comment should be adopted by DEQ. Usually this is the commenter’s perspective.]

AGAINST: [The reason WHY the department feels the suggestion should NOT be adopted.]

RESPONSE 6: —

COMMENT 7: LAC 33:I.1901 — A subsection (designated “D”) should be added to this section with the following language: *An LPDES permit may be transferred pursuant to LAC 33:IX.2901.B, in lieu of compliance with this Chapter.* This language should be added because the ability to “automatically” transfer an LPDES permit should be maintained.

FOR: The automatic transfer process in the existing regulations only requires a facility to notify the agency more than 30 days prior to the change in order for the action to be recognized by the agency. This eliminates the need for going through the entire permit major modification process that is time consuming and more expensive.

AGAINST: The existing LPDES regulations in LAC 33:IX.2905 specifically refer to changes of ownership or operational control as minor modifications. The proposed regulations retain the reference to these changes being considered minor permitting actions. Additionally, the proposed rules give owners/operators more time to submit their notification to the agency. In addition, the department must comply with the requirements of LAC 33:I.1701 regarding review of environmental history for owners and/or operators of regulated facilities.

RESPONSE 7: The department feels that the proposed regulations provide additional flexibility to facilities without adding paperwork or consequential financial burden. Therefore no changes were made as a result of this comment.

COMMENT 8: LAC 33:I.1903.A — Revise this subsection to read: *The previous owner or operator retains responsibility for compliance with all permit terms and conditions until the permit has been transferred in accordance with this Chapter.* As currently proposed, the wording may confuse the regulated community because most permit transfers will be effective upon the date indicated in the NOC-1 form.

No arguments are necessary since the department agrees with the comment.

RESPONSE 8: The department agrees with this comment and the appropriate technical amendments have been made in the proposed rule.

COMMENT 9: §1905 — “Financial assurance is not defined in this rule. If it is defined elsewhere in the regulations, reference this in the applicability section.

FOR: [The reason supporting WHY the suggestion in the comment should be adopted by DEQ. Usually this is the commenter’s perspective.]

AGAINST: [The reason WHY the department feels the suggestion should NOT be adopted.]

RESPONSE 9: —

COMMENT 10: LAC 33:I.1907.A.1 — This paragraph should be deleted. Under existing regulations assumption by the new owner or operator of liability for existing violations is not a condition for transfers of air or LPDES permits. Therefore assumption of such liability for the transfer of such permits should not be a condition under LAC 33:I.Chapter 19.

FOR: Longstanding agency rules and procedures have not required assumption of liability for new owners/operators consistently across media program boundaries, making this a new requirement.

AGAINST: This proposed rule attempts to streamline existing processes and

bring consistency to the regulations governing name, owner and operator changes at facilities. The proposed rule does not require the new owner to assume liability, but does require the department to monitor the presence of documentation relative to liability for past violations. Existing language in LAC:33.IX.2901.B requires documentation of transfer of permit responsibility and liability between the existing and new permittees. This requirement is retained in the proposed rule in LAC 33:I.1907.A.1.

RESPONSE 10: The department feels that the language could be worded better and will clarify this requirement with technical amendments to the rule.

COMMENT 11: LAC 33:I.1909.A.1 — Revise this paragraph to read: *except with respect to LPDES permits, assumption by the new owner or operator of liability for existing violations*. Under existing regulations assumption by the new owner or operator of liability for existing violations is not a condition for transfers of air or LPDES permits. Assumption by the new owner or operator of liability for existing violations should therefore not be a condition for transfer of an LPDES permit.

FOR: Longstanding agency rules and procedures have not required assumption of liability for new owners/operators consistently across media program boundaries, making this a new requirement with regard to LPDES permits.

AGAINST: This proposed rule attempts to streamline existing processes and bring consistency to the regulations governing name, owner and operator changes at facilities. The proposed rule does not require the new owner to assume liability, but does require the department to monitor the presence of documentation relative to liability for past violations.

RESPONSE 11: The department feels that the language could be worded better and will clarify this requirement with technical amendments to the rule. The technical amendments will not, however, provide exception for LPDES permits.

COMMENT 12: LAC 33:I.1909.D — Revise the last sentence of this subsection to read: *This notification shall be made within 90 calendar days*

after the administrative authority has provided a written response approving the transfer of the permit and the change has been put into effect.

No arguments are necessary since the department agrees with the comment.

RESPONSE 12: The department agrees with this comment and the appropriate technical amendments have been made in the proposed rule.

COMMENT 13: LAC 33:III.505 and 517 — Submit changes to these sections as revisions to Louisiana's Title V Operating Permits Program because these sections are currently approved as part of the Title V Operating Permits Program.

FOR: [The reason supporting WHY the suggestion in the comment should be adopted by DEQ. Usually this is the commenter's perspective.]

AGAINST: [The reason WHY the department feels the suggestion should NOT be adopted.]

RESPONSE 13: —

COMMENT 14: LAC 33:III.505.O.1.e — The rule replaces this provision with the provisions of Chapter 19. Demonstrate that Chapter 19 is at least as stringent as the Acid Rain Program (Title IV, §408(i) of the Clean Air Act and 40 CFR Part 72, Subpart B). This could be done by clearing up that the provision under Section 1901.C applies because it provides that Chapter 19 does not supersede any otherwise applicable requirements addressing administrative amendments or modifications.

FOR: [The reason supporting WHY the suggestion in the comment should be adopted by DEQ. Usually this is the commenter's perspective.]

AGAINST: [The reason WHY the department feels the suggestion should NOT be adopted.]

RESPONSE 14: —

COMMENT 15: LAC 33:IX.2701.L.3 — This paragraph should be revised to read:
This permit is not transferable to any person except after notice to the state administrative authority in accordance with LAC 33:I.Chapter 19 or LAC 33:IX.2901.B. The reasons are set forth in the following comment.

FOR: Automatic permit transfer language should remain as a process for transferring LPDES permits. The automatic transfer process in the existing regulations only requires a facility to notify the agency more than 30 days prior to the change in order for the action to be recognized by the agency. This eliminates the need for going through the entire permit major modification process that is time consuming and more expensive.

AGAINST: This proposed rule attempts to streamline existing processes and bring consistency to the regulations governing name, owner and operator changes at facilities.

RESPONSE 15: The existing LPDES regulations in LAC 33:IX.2905 specifically refer to changes of ownership or operational control as minor modifications. The proposed regulations retain the reference to these changes being considered minor permitting actions. The department feels that the proposed regulations provide additional flexibility to facilities without adding paperwork or consequential financial burden. Therefore, no changes were made as a result of this comment.

COMMENT 16: LAC 33:IX.2901.B — This subsection should remain as part of the existing LPDES regulations. It is a long-standing procedure, approved by the EPA, well-known to DEQ, in harmony with LAC 33:I.Chapter 19, and facilitates the rapid transfer of permits. The option to automatically transfer an LPDES permit by this procedure should remain.

FOR: This is a long standing procedure that facilitates transfers for those facilities that apply for transfers more than 30 days prior to the date of the transfer.

AGAINST: The existing LPDES regulations in LAC 33:IX.2905 specifically refer to changes of ownership or operational control as minor modifications. The proposed regulations retain the reference to these changes being considered minor permitting actions.

Additionally, the proposed rule gives owners/operators more time to submit their notification to the agency. In addition, the department must comply with the requirements of LAC 33:I.1701 regarding review of environmental history for owners and/or operators of regulated facilities.

RESPONSE 16: The department feels that the proposed regulations provide additional flexibility to facilities without adding paperwork or consequential financial burden. Therefore no changes were made as a result of this comment.

**Comment Summary Response & Concise Statement Key – OS057
Amendments to the Office of the Secretary, Air, Hazardous Waste, Solid Waste,
and Water Quality Regulations**

**Facility Name and Ownership/Operator Changes Process
LAC 33:I.1901, 1903, 1905, 1907, 1909, and 1911; III.505, 517, and 521; V.321 and
4303; VII.517; and IX.2701, 2901, 2903, and 2905**

<u>COMMENT #</u>	<u>Commenter</u>
1, 7, 8, 10-12, 15, 16 (written) and 5 (oral)	Henry Graham / Louisiana Chemical Association
2-4, 6, 9, 13, 14	David Neleigh / US EPA

Revised Comment Summary Response & Concise Statement – OS057
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4303; VII.517; and IX.2701, 2901, 2903, and 2905

Concise Statement arguments:

FOR: [The reason supporting WHY the suggestion in the comment should be adopted by DEQ.
Usually this is the commenter's perspective.]

AGAINST: [The reason WHY the department feels the suggestion should NOT be adopted.]

COMMENT 1: — Commenter supports DEQ's effort to streamline the
Name/Owner/Operator change process.

No arguments necessary; comment does not suggest
amendment or change.

RESPONSE 1: — The department appreciates the support and believes that the
proposed changes will not only streamline the process, but help
to maintain current, accurate facility information.

COMMENT 2: LAC 33:I.1901 — "Administrative amendment", "administratively
complete", and "minor modification" are not defined in the rule. If
these terms are defined elsewhere in the regulations, reference
this in the applicability section.

The department agrees with the comment; no arguments are
necessary.

RESPONSE 2: — Technical amendments will be made to the rule to address this
comment.

COMMENT 3: — Changes to provisions approved as part of the Louisiana State
Implementation Plan (SIP) should be submitted as revisions to
the SIP.

No arguments necessary since the provision in question is not
part of this rulemaking.

RESPONSE 3: — The department intends to include any SIP revisions that are

required as a result of this rule change when the annual SIP revision is submitted to EPA.

COMMENT 4: LAC 33:I.1901 — The requirement for an automatic transfer of an LPDES permit should be maintained and not eliminated in the proposed rule.

FOR: The automatic transfer process in the existing regulations only requires a facility to notify the agency more than 30 days prior to the change in order for the action to be recognized by the agency. This eliminates the need for going through the entire permit major modification process that is time consuming and more expensive.

AGAINST: The existing LPDES regulations in LAC 33.IX.2905 specifically refers to changes of ownership or operational control as minor modifications. The proposed regulations retain the reference to these changes being considered minor permitting actions. Additionally, the proposed rules give owners/operators more time to submit their notification to the agency. In addition, the Department must comply with the requirements of LAC 33:I.1701 regarding review of environmental history for owners and/or operators of regulated facilities.

RESPONSE 4: The department feels that the proposed regulations provide additional flexibility to facilities without adding paperwork or consequential financial burden. Therefore no changes were made as a result of this comment.

COMMENT 5: LAC 33:I.1901 — Define the scope of "air permits" and state to which ones the rule will apply.

The department agrees with the comment; no arguments are necessary.

RESPONSE 5: — A technical amendment has been made to further clarify the scope of the rule. Section 1901.D further defines the applicability of the affected permit types.

COMMENT 6: LAC 33:I.1901 — A subsection (designated "D") should be added to this section with the following language: *An LPDES permit*

may be transferred pursuant to LAC 33:IX.2901.B, in lieu of compliance with this Chapter. This language should be added because the ability to “automatically” transfer an LPDES permit should be maintained.

FOR: The automatic transfer process in the existing regulations only requires a facility to notify the agency more than 30 days prior to the change in order for the action to be recognized by the agency. This eliminates the need for going through the entire permit major modification process that is time consuming and more expensive.

AGAINST: The existing LPDES regulations in LAC 33:IX.2905 specifically refers to changes of ownership or operational control as minor modifications. The proposed regulations retain the reference to these changes being considered minor permitting actions. Additionally, the proposed rules give owners/operators more time to submit their notification to the agency. In addition, the department must comply with the requirements of LAC 33:I.1701 regarding review of environmental history for owners and/or operators of regulated facilities.

RESPONSE 6: The department feels that the proposed regulations provide additional flexibility to facilities without adding paperwork or consequential financial burden. Therefore no changes were made as a result of this comment.

COMMENT 7: LAC 33:I.1903.A — Revise this subsection to read: *The previous owner or operator retains responsibility for compliance with all permit terms and conditions until the permit has been transferred in accordance with this Chapter.* As currently proposed, the wording may confuse the regulated community because most permit transfers will be effective upon the date indicated in the NOC-1 form.

The department agrees with the comment; no arguments are necessary.

RESPONSE 7: The department agrees with this comment and the appropriate technical amendments have been made in the proposed rule.

COMMENT 8: LAC 33:I.1905 — “Financial assurance” is not defined in this rule. If it is defined elsewhere in the regulations, reference this in the

applicability section.

The department agrees with the comment; no arguments are necessary.

RESPONSE 8: — Technical amendments will be made to the rule to address this comment.

COMMENT 9: LAC 33:I.1907.A.1 — This paragraph should be deleted. Under existing regulations assumption by the new owner or operator of liability for existing violations is not a condition for transfers of air or LPDES permits. Therefore assumption of such liability for the transfer of such permits should not be a condition under LAC 33:I.Chapter 19.

FOR: Longstanding agency rules and procedures have not required assumption of liability for new owners/operators consistently across media program boundaries, making this a new requirement.

AGAINST: This proposed rule attempts to streamline existing processes and bring consistency to the regulations governing name, owner and operator changes at facilities. The proposed rule does not require the new owner to assume liability, but does require the department to monitor the presence of documentation relative to liability for past violations. Existing language in LAC:33.IX.2901.B requires documentation of transfer of permit responsibility and liability between the existing and new permittees. This requirement is retained in the proposed rule in LAC 33:I.1907.A.1.

RESPONSE 9: The department feels that the language could be worded better and will clarify this requirement with technical amendments to the rule.

COMMENT 10: LAC 33:I.1909.A.1 — Revise this paragraph to read: *except with respect to LPDES permits, assumption by the new owner or operator of liability for existing violations*. Under existing regulations assumption by the new owner or operator of liability for existing violations is not a condition for transfers of air or LPDES permits. Assumption by the new owner or operator of liability for existing violations should therefore not be a condition

for transfer of an LPDES permit.

FOR: Longstanding agency rules and procedures have not required assumption of liability for new owners/operators consistently across media program boundaries, making this a new requirement with regard to LPDES permits.

AGAINST: This proposed rule attempts to streamline existing processes and bring consistency to the regulations governing name, owner and operator changes at facilities. The proposed rule does not require the new owner to assume liability, but does require the department to monitor the presence of documentation relative to liability for past violations.

RESPONSE 10: The department feels that the language could be worded better and will clarify this requirement with technical amendments to the rule. The technical amendments will not, however, provide exception for LPDES permits.

COMMENT 11: LAC 33:I.1909.D — Revise the last sentence of this subsection to read: *This notification shall be made within 90 calendar days after the administrative authority has provided a written response approving the transfer of the permit and the change has been put into effect.*

The department agrees with the comment; no arguments are necessary.

RESPONSE 11: The department agrees with this comment and the appropriate technical amendments have been made in the proposed rule.

COMMENT 12: LAC 33:III.505 and 517 — Submit changes to these sections as revisions to Louisiana's Title V Operating Permits Program because these sections are currently approved as part of the Title V Operating Permits Program.

No arguments necessary since the provision in question is not part of this rulemaking.

RESPONSE 12: — The provision in question is not part of this rulemaking.

COMMENT 13: LAC 33:III.505.O.1.e — The rule replaces this provision with the provisions of Chapter 19. Demonstrate that Chapter 19 is at least as stringent as the Acid Rain Program (Title IV, §408(i) of the Clean Air Act and 40 CFR Part 72, Subpart B). This could be done by clearing up that the provision under Section 1901.C applies because it provides that Chapter 19 does not supersede any otherwise applicable requirements addressing administrative amendments or modifications.

No arguments necessary since the provision in question is not part of this rulemaking.

RESPONSE 13: — The provision in question is not part of this rulemaking.

COMMENT 14: LAC 33:IX.2701.L.3 — This paragraph should be revised to read: *This permit is not transferable to any person except after notice to the state administrative authority in accordance with LAC 33:I.Chapter 19 or LAC 33:IX.2901.B.* The reasons are set forth in the following comment.

FOR: Automatic permit transfer language should remain as a process for transferring LPDES permits. The automatic transfer process in the existing regulations only requires a facility to notify the agency more than 30 days prior to the change in order for the action to be recognized by the agency. This eliminates the need for going through the entire permit major modification process that is time consuming and more expensive.

AGAINST: This proposed rule attempts to streamline existing processes and bring consistency to the regulations governing name, owner and operator changes at facilities.

RESPONSE 14: The existing LPDES regulations in LAC 33:IX.2905 specifically refer to changes of ownership or operational control as minor modifications. The proposed regulations retain the reference to these changes being considered minor permitting actions. The department feels that the proposed regulations provide additional flexibility to facilities without adding paperwork or consequential financial burden. Therefore, no changes were made as a result of this comment.

COMMENT 15: LAC 33:IX.2901.B — This subsection should remain as part of the existing LPDES regulations. It is a long-standing procedure, approved by the EPA, well-known to DEQ, in harmony with LAC 33:I.Chapter 19, and facilitates the rapid transfer of permits. The option to automatically transfer an LPDES permit by this procedure should remain.

FOR: This is a long standing procedure that facilitates transfers for those facilities that apply for transfers more than 30 days prior to the date of the transfer.

AGAINST: The existing LPDES regulations in LAC 33:IX.2905 specifically refers to changes of ownership or operational control as minor modifications. The proposed regulations retain the reference to these changes being considered minor permitting actions. Additionally, the proposed rule gives owners/operators more time to submit their notification to the agency. In addition, the department must comply with the requirements of LAC 33:I.1701 regarding review of environmental history for owners and/or operators of regulated facilities.

RESPONSE 15: The department feels that the proposed regulations provide additional flexibility to facilities without adding paperwork or consequential financial burden. Therefore no changes were made as a result of this comment.

**Revised Comment Summary Response & Concise Statement Key – OS057
Amendments to the Office of the Secretary, Air, Hazardous Waste, Solid Waste,
and Water Quality Regulations**

**Facility Name and Ownership/Operator Changes Process
LAC 33:I.1901, 1903, 1905, 1907, 1909, and 1911; III.505, 517, and 521; V.321 and
4303; VII.517; and IX.2701, 2901, 2903, and 2905**

<u>COMMENT #</u>	<u>Commenter</u>
1, 6, 7, 9-11, 14, 15 (written) And 4 (oral)	Henry Graham / Louisiana Chemical Association
2, 3, 5, 8, 12, 13	David Neleigh / US EPA

*A declination letter sent to a school district must be corrected within 10 working days. If the district does not comply with the request for additional information within the 10 days, the district must remove the teacher upon the 11th working day.

Weegie Peabody
Executive Director

0510#013

RULE

Board of Elementary and Secondary Education

Bulletin 996• Louisiana Standards for Approval
of Teacher Education Programs
(LAC 28:XLV.1107 and 1109)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 996• Louisiana Standards for Approval of Teacher Education Programs*, referenced in LAC 28:1.905.A. Proposed revisions to Bulletin 996 would incorporate both the Louisiana Reading Competencies and the Grade Level Expectations into existing policy. Each teacher preparation program seeking Louisiana State Board of Elementary and Secondary Education approval is required to incorporate and adhere to the NCATE standards and the NCATE accreditation process. Additionally, each Louisiana teacher preparation unit is required to address key state educational initiatives as identified and delineated in the Louisiana State Supplement for Teacher Preparation Program Approval, a component of *Bulletin 996• Louisiana Standards for Approval of Teacher Education Programs*.

This revision insures that those charged with recommending unit accreditation for Louisiana teacher education programs will evaluate programs for inclusion of both the Louisiana Reading Competencies and the Grade Level Expectations.

Title 28 EDUCATION

PART XLV. Bulletin 996• Standards for Approval of Teacher Education Programs

Chapter 11. The Components of Effective Teacher Preparation

Subchapter A. Standard A• Candidates Provide Effective Teaching for All Students

§1107. Curriculum

A. The teacher education curricula provide candidates at both the initial and advanced levels with knowledge and skills to effectively incorporate the Louisiana Content Standards and Grade Level Expectations in instructional delivery.

Unacceptable	Acceptable	Target
Candidates understand the basic components of the Louisiana Content Standards and Grade Level Expectations.	Candidates demonstrate knowledge of the Louisiana Content Standards and Grade Level Expectations in lessons for each content area they are preparing to teach.	Candidates implement instruction and assessment reflective of content standards, grade level expectations, local curricula, and each student's needs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1734 (August 2002), amended LR 30:2457 (November 2004), LR 31:2427 (October 2005).

§1109. Curriculum-Reading (Specifically but not Exclusively for K-3 Teachers)

A. The teacher education program provides candidates at both the initial and advanced levels with knowledge and skills in the Louisiana Reading Competencies and the curriculum process.

Unacceptable	Acceptable	Target
Candidates understand the components of the Louisiana Reading Competencies.	Candidates utilize the Louisiana Reading Competencies in K-12 classrooms.	Candidates effectively utilize the Louisiana Reading Competencies in K-12 classrooms to impact learning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(11), R.S. 17:7(6), R.S. 17:7.2, R.S. 17:13.1, R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1734 (August 2002), amended LR 30:2457 (November 2004), LR 31:2427 (October 2005).

Weegie Peabody
Executive Director

0510#012

RULE

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Facility Name and Ownership/Operator Changes Process
(LAC 33:I.1901, 1903, 1905, 1907, 1909, and 1911;
III.505, 517, and 521; V.321 and 4303; VII.517;
and IX.2701, 2901, 2903, and 2905)(OS057)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Environmental Quality regulations, LAC 33:I.1901, 1903, 1905, 1907, 1909, and 1911; III.505, 517, and 521; V.321 and 4303; VII.517; and IX.2701, 2901, 2903, and 2905 (Log #OS057).

This Rule will provide a unified, streamlined process for name or ownership/operator changes at facilities under the purview of the air, LPDES, hazardous waste, and solid waste regulatory programs. The department's re-engineering resulted in the creation of a single entity to handle name or ownership/operator changes. The Governor's Environmental Task Force recognized that the regulatory processes for these changes were cumbersome for both the regulated community and the department's staff. Therefore, the task force recommended that the department create a streamlined process for all media. The project will occur in two stages. The first stage is being addressed in this Rule and deals with only permitted media facilities. The second stage will address hazardous and solid waste generators and other miscellaneous programs. The basis and rationale for this rule

are to allow a unified procedure for all media resulting in cleaner notification procedures for the regulated community.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Subpart 1. Department Administrative Procedures

Chapter 19. Facility Name and Ownership/Operator Changes Process

§1901. Applicability

A. This Chapter applies to name and ownership/operator changes at facilities that are under the purview of the air, water, hazardous waste, and solid waste regulatory programs. Written notifications of these changes shall be submitted to the department for facilities applying for or holding any air permits, Louisiana Pollutant Discharge Elimination System (LPDES) permits, hazardous waste permits, and solid waste permits. A name, ownership, and/or operator change will be considered a minor permitting action or administrative amendment.

B. When the ownership of a facility holding an LPDES permit changes and there is no change to the operator of that facility, a permit transfer is not required. Notification of the change of ownership is still required in accordance with LAC 33:I.1905.

C. The terms *administratively complete*, *administrative amendment*, *financial assurance*, and *minor modification* as used in this Chapter shall have the same meaning and intent as when used in LAC 33:Parts III, V, VII, and IX.

D. This Chapter does not supersede any otherwise applicable requirements addressing administrative amendments or modifications in the air, LPDES, hazardous waste, and solid waste programs, in particular, applicable MACT rules or acid rain program requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2428 (October 2005).

§1903. Liability

A. The previous owner or operator retains responsibility for compliance with all permit terms and conditions until the permit has been transferred in accordance with this Chapter.

B. The previous owner or operator retains responsibility for compliance with the financial requirements until the new owner or operator has demonstrated that he or she is complying with the specified financial requirements of Title 33 of the Louisiana Administrative Code (e.g., LAC 33:V.Chapter 37, LAC 33:VII.727.A.1 and 2, and LAC 33:IX.Chapter 67).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2428 (October 2005).

§1905. Name Change

A. Changes in the name only of a facility or of its owner/operator shall be made with written notification to the

Office of Environmental Services. The owner or operator shall submit a complete Name/Ownership/Operator Change Form (NOC-1 Form) prior to or no later than 45 days after the change. This form may be found on the department's website.

B. Within 30 days after receipt of the complete notification of a change of name of a facility or of its owner/operator, the administrative authority shall notify the owner/operator that the department has received and processed the name change. The effective date of the name change shall be the date indicated on the NOC-1 Form unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

C. For permitted hazardous waste facilities, the permittee shall send a notice of the name change to all persons on the facility mailing list maintained by the administrative authority in accordance with LAC 33:V.717.A.5, and to the appropriate units of state and local government, as specified in LAC 33:V.717.A.2 and 4. This notification shall be made within 90 calendar days after the change is effective.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2428 (October 2005).

§1907. Change of Ownership/Operator No Financial Assurance Required

A. The administrative authority may approve the transfer of a permit to a new owner or operator where no financial assurance is required, based on the presence of the following factors:

1. documentation clearly identifying the party who will be responsible for existing violations; and
2. evidence of managerial competence on the part of the new owner or operator in accordance with LAC 33:I.1701.

B. Changes in the ownership or operational control of a facility shall be made with written notification to the Office of Environmental Services. The new owner or operator shall submit a Name/Ownership/Operator Change Form (NOC-1 Form) prior to or no later than 45 days after the change. A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the previous and new permittees shall also be submitted to the administrative authority. The agreement shall be attached to the NOC-1 Form. The department may initiate action to terminate or revoke an existing media permit for a failure to disclose a change of ownership or operational control within 45 days after the change.

C. Within 30 days after receipt of the complete notification of a change of the ownership or operational control of a facility, the administrative authority shall notify the previous and new owners/operators of the department's approval or disapproval of the transfer of the permit to the new owner or operator based on its evaluation of the factors set forth in Subsection A of this Section. The department will also notify EPA of changes in Title V permits within the same timeframe. The effective date of the permit transfer shall be the date indicated on the NOC-1 Form unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental

Services shall notify the permit applicant of the actual effective date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2428 (October 2005).

§1909. Change of Ownership/Operator Financial Assurance Required

A. The administrative authority may approve the transfer of a permit to a new owner or operator where financial assurance is required, based on the following factors:

1. assumption by the new owner or operator of liability for existing violations;
2. demonstration of compliance with financial responsibility requirements by the new owner or operator; and
3. evidence of managerial competence on the part of the new owner or operator in accordance with LAC 33:I.1701.

B. Changes in the ownership or operational control of a facility shall be made with written notification to the Office of Environmental Services. The new owner or operator shall submit a Name/Ownership/Operator Change Form (NOC-1 Form) prior to or no later than 45 days after the change. The department may initiate action to terminate or revoke an existing media permit for a failure to disclose a change of ownership or operational control within 45 days after the change. The following actions are also required to be completed in conjunction with the change of ownership/operator notification:

1. A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the previous and new permittees shall be submitted to the administrative authority. The agreement shall be attached to the NOC-1 Form.

2. Permitted and interim status hazardous waste facilities shall also submit a revised Part I (i.e., Part A) permit application and Hazardous Waste Notification Form (HW-1 Form) in conjunction with the NOC-1 Form.

3. When a transfer of ownership or operational control occurs, the previous owner or operator shall comply with the applicable requirements of LAC 33:V.Chapter 37 (hazardous waste financial requirements), LAC 33:VII.727.A.1 and 2 (solid waste financial assurance requirements), and LAC 33:IX.Chapter 67 (water financial security requirements) until the new owner or operator has demonstrated that he or she is complying with the applicable requirements of LAC 33:V.Chapter 37, LAC 33:VII.727.A.1 and 2, and LAC 33:IX.Chapter 67.

C. The new owner or operator shall demonstrate compliance with the applicable requirements of LAC 33:V.Chapter 37, LAC 33:VII.727.A.1 and 2, and LAC 33:IX.Chapter 67 within six months of the date of the change of ownership or operational control of the facility. Upon adequate demonstration to the administrative authority by the new owner or operator of compliance with these financial assurance requirements, the administrative authority shall notify the previous owner or operator that he or she no longer needs to comply with the financial assurance requirements as of the date of demonstration.

D. Within 45 days after receipt of the complete notification of a change of ownership or operational control

of a facility, the administrative authority shall notify the previous and new owners/operators of the department's approval or disapproval of the transfer of the permit to the new owner or operator based on its evaluation of the factors set forth in Subsection A of this Section. The effective date of the permit transfer shall be the date indicated on the NOC-1 Form unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

E. For permitted hazardous waste facilities, the new permittee shall send a notice of the change of ownership or operational control to all persons on the facility mailing list maintained by the administrative authority in accordance with LAC 33:V.717.A.5, and to the appropriate units of state and local government, as specified in LAC 33:V.717.A.2 and 4. This notification shall be made within 90 calendar days after the administrative authority has provided a written response approving the transfer of the permit and the change has been put into effect.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2429 (October 2005).

§1911. Fees for Name and Ownership/Operator Changes

A. Notifications of name or ownership/operator changes at a facility shall be submitted by the new owner or operator with the appropriate fees. The fees listed below cover the cost of reviewing, evaluating, and processing a name or ownership/operator change that has occurred at the facility.

Name and Ownership/Operator Change Fees	
Program	LAC Citation for Fee
Air	LAC 33:III.223, Fee Number 2000
Hazardous Waste	LAC 33:V.5123.A
Solid Waste: Type I, I-A, II, and II-A facilities	LAC 33:VII.525.C (N/A for name change alone)
Solid Waste: Type III facilities or beneficial use facilities	LAC 33:VII.525.D (N/A for name change alone)
LPDES	LAC 33:IX.1309.D.4 (N/A for name change alone)

B. Method of Payment. All fee payments shall be made by check, draft, or money order payable to the Department of Environmental Quality and mailed to the department at the address provided on the NOC-1 Form.

C. Failure to Pay. Failure to pay the prescribed name change or ownership/operator change fee as provided herein shall result in the change request not being processed by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2429 (October 2005).

Part III. Air

Chapter 5. Permit Procedures

§505. Acid Rain Program Permitting Requirements

A. - O.I.d. ...

e. changes in the owners or operators, done in accordance with LAC 33:I.Chapter 19;

O.I.f. - S.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), LR 21:678 (July 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2446 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2429 (October 2005), LR 31:2436 (October 2005).

§517. Permit Applications and Submittal of Information

A. - F. ...

G. Change of ownership shall be done in accordance with LAC 33:I.Chapter 19.

H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), amended LR 20:1375 (December 1994), amended by the Office of the Secretary, LR 22:344 (May 1996), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:405 (April 1997), LR 23:1677 (December 1997), amended by the Office of the Secretary, LR 25:661 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2448 (November 2000), amended by the Office of Environmental Assessment, LR 30:2021 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2430 (October 2005).

§521. Administrative Amendments

A. - A.2. ...

3. allows for a change in ownership at the source, in accordance with forms and guidance provided by the permitting authority and pursuant to LAC 33:I.Chapter 19;

A.4. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), amended LR 20:1375 (December 1994), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2430 (October 2005).

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality Hazardous Waste

Chapter 3. General Conditions for Treatment, Storage, and Disposal Facility Permits

§321. Modification of Permits

A. Any proposed major modification of a facility or a site, any change in wastes handled in either volume or composition, and any other change in the site, facility, or operations that materially deviates from a permit or materially increases danger to the public health or the environment must be reported in writing to the Office of Environmental Services, Water and Waste Permits Division, prior to such an occurrence and a permit modification must be obtained in accordance with the application, public notice, and permit requirements of this Chapter. Any operator or ownership change shall be made in accordance with LAC 33:I.Chapter 19.

B. - B.1. ...

2. Changes in the ownership or operational control of a facility shall be made in accordance with LAC 33:I.Chapter 19.

C. - C.1.a. ...

The permittee must notify the Office of Environmental Services, Water and Waste Permits Division, concerning the modification by certified mail or other means that establish proof of delivery within seven calendar days after the change is put into effect. This notice must specify the changes being made to permit conditions or supporting documents referenced by the permit and must explain why they are necessary. Along with the notice, the permittee must provide the applicable information required by LAC 33:V.515-533, 2707, and 3115.

1.a.ii. - 10.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 15:378 (May 1989), LR 16:614 (July 1990), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1691 (September 1998), LR 25:435 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2466 (November 2000), LR 28:1000 (May 2002), LR 29:319 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2430 (October 2005), LR 31:2454 (October 2005).

Chapter 43. Interim Status

§4303. Changes during Interim Status

A. - A.3.b. ...

4. changes in the ownership or operational control of a facility, which shall be done in accordance with LAC 33:I.Chapter 19;

A.5. - B.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 15:378 (May 1989), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:1375 (December 1992), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:484 (March 1999), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2430 (October 2005).

Part VII. Solid Waste

Subpart 1. Solid Waste Regulations

Chapter 5. Solid Waste Management System

Subchapter B. Permit System for Facilities Classified for Upgrade or Closure

§517. Permit Modifications

A. - A.1.a.ii. ...

b. All notifications of proposed changes in ownership of a permit for a facility shall be done in accordance with LAC 33:I.Chapter 19.

2. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014.2.